

Environment, Food and Rural Affairs Committee

Oral evidence: Fisheries, HC 489

Tuesday 17 July 2018

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Members present: Neil Parish (Chair); Alan Brown; Mrs Sheryll Murray; David Simpson.

Questions 360 – 415

Witnesses

I: George Eustice MP, Minister for Agriculture, Fisheries and Food; Anne Freeman, Deputy Director, Domestic Fisheries and Reform; Neil Hornby, Director, Marine and Fisheries, Department for Environment, Food and Rural Affairs.

Written evidence from witnesses:

[DEFRA](#)

Examination of witnesses

Witnesses: George Eustice MP, Anne Freeman and Neil Hornby.

Q360 **Chair:** Good afternoon, Minister. Can I first of all ask Anne and Neil to introduce themselves? George, you do not really need to; we have a rough idea of who you are. You are very much welcome. Anne, would you like to say your role?

Anne Freeman: Thank you very much. I am Anne Freeman. I am deputy director in Defra responsible for domestic fisheries and reform.

Neil Hornby: Good afternoon. My name is Neil Hornby. I am the director of marine and fisheries at Defra.

Chair: George, do you wish to say anything? I would not wish to cut you off if you wanted to say anything. Do you want to introduce yourself?

George Eustice: For the record, I am George Eustice, Minister of State for Agriculture, Fisheries and Food.

Q361 **Chair:** Welcome. Thank you very much for coming. I appreciate you coming, because originally we were going to have an agricultural session on the ag Bill, but as the ag Bill had not quite arrived, and the fisheries White Paper was here, we decided it would be good to have you before us.

The first question is this: how is the Government's approach as set out in the White Paper different from the common fisheries policy?

George Eustice: It is very different from the common fisheries policy, in that we will, on leaving the European Union, become an independent coastal state in international law. That is under the UN Convention on the Law of the Sea. We will therefore operate in a similar way to, say, Norway or Iceland at the moment. We will have control and access to our exclusive economic zone, and we will have responsibility for managing fisheries resources in our exclusive economic zone. There will be annual negotiations still on how we approach management of shared stocks, just as there is now, with Iceland, Norway and others, but our influence will be based on the resource we have in our EEZ, not a QMV formula within the EU, as it is now.

Q362 **Chair:** In which actual year do you consider, with the negotiations that are going on at the moment, that we will be in a position to manage our own quota and our situation with the EU?

George Eustice: It will depend on Parliament agreeing the withdrawal agreement and the implementation period that was agreed back in March. That will be put to a meaningful vote later this year in the autumn. If that happens, the position we agreed in that implementation period is that effectively we would abide by a carbon copy of the common



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fisheries policy and not make any changes to quota allocations until the end of the implementation period, which is December 2020, but in December 2020 we would sit as an independent coastal state to negotiate fishing opportunities for the 2021 year. From January 2021, we will have negotiated fishing opportunities for that year.

Q363 Chair: It is fair to say that there are all sorts of figures being quoted, but the other 27 EU member states take about six times the amount of fish from our waters as we take from theirs. How long is it going to take for us to take back a lot more of that fish? Are we going to be dead and buried before it has happened or is it going to happen quite quickly? I do not mean you, but perhaps me.

George Eustice: In our White Paper there is an annexe that publishes some of our headline findings from the work we have been doing on zonal attachment. Cefas, which is our fisheries science agency, and the MMO have been doing a lot of detailed work on zonal attachment. We are very clear in the White Paper that we will depart from relative stability and we will adopt a new, more scientific methodology based along zonal attachment, so where the fish principally reside. We will not get there overnight. We have been clear about that, but we want to see year-on-year gains from the moment we negotiate as an independent coastal state. In some stocks, it may be possible to get faster progress than in others, depending on what we agree.

But, in a nutshell, in any fisheries negotiation there are really three key variables. There is controlling access to your waters; there is the scientific debate about the overall size of the TAC, the size of the cake; and then the third argument is around allocations: who gets what share of the cake? Put bluntly, access is the trump card in those negotiations. If there is a dispute, the way that is flushed out is effectively to say to a country, "If you think you can catch that in your own waters, catch it in your own waters. If you want access to our waters to catch part of your catch, part of your allocation of the TAC, we want to see a rebalancing of those shares." That is a fairly typical and routine feature of the sorts of negotiations we have annually with people like the Faroes and Norway.

Q364 Mrs Murray: Minister, can you tell me why at paragraph 62 in the Chequers agreement you have basically said that you will seek to move from relative stability towards a scientific method for informing future TACs? You have already said that access is the best thing. That is the most rigid control you will have. What about the Factortame case? We have been there before.

Secondly, you seem to contradict yourself. The statement that the UK will be an independent coastal state with control over its own exclusive economic area after the implementation period is exactly the same position as we have seen in the past with Iceland, which totally excluded UK vessels immediately overnight, and with Norway and the Faroes, which have not included fisheries in any other agreement with the European Union. They have their own basic framework regulations that



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only last up to six years in length and then are renegotiated. Why have you started by basically using the crumbs we get from the share-out under the common fisheries policy? Why have you not started on the basis that, under UNCLOS, an internationally recognised treaty, the UK is entitled to 100% of all species of fish in our waters? Under article 62 of UNCLOS, our fishermen are able to catch and utilise that benefit. Any surplus would be made available to vessels from other coastal states to come in and catch under negotiation.

Why have you started from what appears to me—and I am sure it would appear this way to most fishermen—to be the wrong end? Can you explain that, please?

George Eustice: I do not really share that analysis. Where we have started is set out in annexe C, which is the work on zonal attachment.

Q365 **Mrs Murray:** Minister, it says here that we will seek to move from relative stability towards a more scientific method through negotiation.

George Eustice: Yes, exactly.

Q366 **Mrs Murray:** Minister, we do not need to negotiate with anybody, because there is an international treaty in place, recognising that the UK will have control over the fish in its own 200-mile/median-line limit. That international agreement is UNCLOS. Other countries like Iceland, Norway and the Faroes have started from that. Why have we started differently?

Is there something else that we hope to gain by giving the European Union this negotiation and using the CFP as the starting point rather than somewhere else? Could you please categorically state that that is not the point and that, once the White Paper consultation is over, you will look to rebalance this and remove that from the Bill?

George Eustice: Our starting point is that we are an independent coastal state controlling access to our EEZ and we are going to have a new methodology for allocation based on zonal attachment. Then there is the question of how you move from the system we have to that position. Like you said, as in the instances of other coastal states such as Iceland or Norway, you will sometimes have a multiannual agreement that may run for three years, where there is a trajectory towards a particular position. That is a common feature of a typical fisheries negotiation. We may well include features like that. Our starting point is relative stability. That is where we will be in December 2020. But, in many ways, our objective is the most important thing, and that is zonal attachment.

Q367 **Mrs Murray:** Minister, this fisheries Bill begins on 1 January 2021, when we will not be at relative stability. Could you please confirm that, when you are talking about multiannual agreements, you are talking about agreements aligned to the Norway basic fisheries framework regulation and not the triennial agreements that we already see in place in the EU under the common fisheries policy with other countries? The EU has two sorts of third-country agreements at the moment. The triennial agreements were what Spain brought into the EU when it joined. Can you



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confirm we are looking at the Norway framework agreement and not a triennial agreement?

George Eustice: It could be either. The crucial thing is that we will be an independent third country, an independent coastal state. For instance, this year there was a triennial agreement on the management of mackerel that even included Russia, Norway and the Faroes, in terms of how we would approach the management of those stocks. There are things that we are keen to learn from countries like Norway. Rather than have a lot of volatile changes up and down in quotas, there is a lot to be said for trying to strike a middle path through so you have more stability in the market while fishing sustainably.

Q368 **Mrs Murray:** Would our independent basic framework regulation, because we will be governed by the UNCLOS treaty, be time limited? Will it be the same as Norway and last for six years, after which we reassess it to see whether there is any surplus in stocks to allow other coastal states to come and catch?

George Eustice: That is right. We are very clear—

Q369 **Mrs Murray:** You are absolutely categorically stating that.

George Eustice: I am not saying it is six years, five years, two years or whatever. I am saying it will be whatever is appropriate for the stock impact.

Q370 **Mrs Murray:** It will be an agreement with the EU, similar to the basic framework regulations that Norway or the Faroes have at the moment. Is that correct?

George Eustice: Constitutionally, it will be a bilateral agreement between the UK and the EU, in the same way as there are bilateral agreements between the EU and Norway or the EU and the Faroes.

Q371 **Mrs Murray:** So there will be a basic framework regulation that is limited by the number of years it continues in the same way as the Norway agreement and the Faroes agreement are now?

George Eustice: There will not be anything in EU law that governs us, so there could be agreements—

Q372 **Mrs Murray:** I am asking you a very clear question, Minister. It is a clear answer of yes or no. Will there be a basic framework regulation between the United Kingdom and the European Union that will only last for a number of years before it has to be renegotiated? It could be six years, 10 years or three years. Will there be a separate basic framework regulation like the agreements with Norway or the Faroes? Can you tell me yes or no now?

George Eustice: We will be following the model of the Faroes and Norway. We will be having a treaty between the UK and Norway and a treaty between the UK and the Faroes, as we would with other agreements. Under that treaty—



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Q373 **Mrs Murray:** I am sorry. I am talking about the arrangement between the UK and the EU. Are you absolutely categorically saying that we will have a similar arrangement with the European Union as Norway has with the European Union or the Faroes has with the European Union?

Neil Hornby: That is what they do under UNCLOS, which is the same as we would want to do with them.

Q374 **Mrs Murray:** Yes, we will. Is that true? I would like to hear you say yes.

George Eustice: It is explicit.

Q375 **Mrs Murray:** I would like to hear you say yes, Minister.

George Eustice: The White Paper is explicit that we will be an independent third country like Norway, if that is what you want to hear.

Q376 **Mrs Murray:** We will have a basic framework regulation like Norway has with the EU.

George Eustice: I do not know what you mean by "basic framework regulation". There will be no regulation in EU law that governs us on fisheries, if that is what you mean. I am not sure what you mean by "basic framework regulation".

Q377 **Mrs Murray:** Other nations have examples, and you are very reluctant to say, "Yes, we will have a separate agreement with the EU under fisheries."

George Eustice: We absolutely will. That is true, but a "basic framework regulation" is a term I do not recognise. That is my point.

Q378 **Mrs Murray:** Minister, you have been a Fisheries Minister for such a long time now.

George Eustice: You have treaty agreements.

Mrs Murray: I would have thought you would have been able simply to google the relationship between Norway, the Faroes and the EU. It comes up with "basic framework regulation".

George Eustice: I know very well those agreements and they have "treaty" in them.

Mrs Murray: It is completely different to their EEA agreement.

Q379 **Chair:** You can understand that Sheryll is very passionate, Minister, because fisherman feel that over the years they have not had their fair share of fish and they are just terrified that, when we now leave the EU, they are not going to get it back. Being Fisheries Minister, you probably realise the strength of that feeling. I understand that on day one you will have to move into making sure we claim our waters back and then look at how we get our fish back. I realise there needs to be a process, but we want to be assured that that is going to happen and we are not going to negotiate it away.



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Sheryll was quite right in the technicality of her question, but my question to you is a basic one. You are confident that we will get our fish back. There will be agreements, I suspect, with other nations, but it will be down to our rules and whether we allow that to happen. Is that the case?

George Eustice: Yes, absolutely. That is what we set out in the White Paper. We know what Norway does, what the Faroes does and what Iceland does, and we are explicit that that is how we will be conducting future relations with our neighbours, whether that be Norway, Iceland, the Faroes or the EU.

Chair: Not only are you Fisheries Minister, but you are an MP for Cornwall, and I think you realise how significant the situation is in Cornwall.

Q380 **Alan Brown:** Minister, you were saying there that fishing will be a completely separate negotiation strand. I accept the fisheries White Paper has been published, but there was a document published last week, *The future relationship between the UK and the EU*. Under section 1.2.4, which is about agriculture, food and fisheries products, there are 11 paragraphs. Not one paragraph is specific to fishing; there are only passing references to it. I would have thought that it surely would have been important to roll that information out into this document.

George Eustice: That is because there is a separate fisheries chapter. There is a chapter dealing with agri-food and then another one on fisheries.

Mrs Murray: It is at the bottom of page 81 and it goes on to 82.

George Eustice: In essence the point we make—it is a critical point, which I know Mrs Murray has made previously—is that we see negotiations on fisheries access and fisheries management as being one strand under an association agreement, and trade as being an entirely separate one. We do not see the two as being connected.

Q381 **Alan Brown:** Fishing is 0.1% of the UK's GDP. Do all the other Cabinet Secretaries agree that fishing must remain separate?

George Eustice: Yes.

Q382 **Alan Brown:** Have you agreed that this is a completely red line, so it would break down all negotiations if the EU said, "No, we need to link fishing with some of the other policies"?

George Eustice: The Cabinet has signed off this White Paper. This is a Government White Paper supported by all Departments. We are clear that the two are separate sets of negotiations.

Q383 **Alan Brown:** It is absolutely a red line for everybody.

George Eustice: On trade, we will be seeking access for our lamb and our fisheries products. The EU will be seeking access to the UK market for



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Irish beef, poultry from the Netherlands, pork from Denmark and others. We have a big trade deficit with the EU. They will want access to our market for food as well.

Q384 Alan Brown: Will it remain completely separate from immigration discussions as well?

George Eustice: Yes, we see those as separate. It is not an area of policy that I deal with, but there is talk about a future framework for immigration as well. Again, we see that as separate. It is one of the reasons why we were clear from the outset that we could not be part of the single market, because that would have implicitly required free movement of people.

Q385 David Simpson: Minister, first of all, when will the fisheries Bill be published? What is the timescale?

George Eustice: It will largely depend on the parliamentary timetable as we progress through the autumn. You will all appreciate that things are moving quite a bit at the moment, but I would anticipate it coming forward towards the end of this year. If there is no implementation period, for instance, we would obviously have to advance it.

Q386 Chair: That is calendar year and not fiscal year, is it?

David Simpson: You would hope so.

George Eustice: It will be around Christmas. It will be a wonderful Christmas present.

Chair: You have a wonderful Christmas present when you go to the meeting of Ministers.

Q387 David Simpson: That is right. You say you are moving forward, but you are taking one step forward and maybe six back. Anyway, will you ensure that we are able to conduct pre-legislative scrutiny of the fisheries Bill?

George Eustice: The reason I was keen to come to the Committee quite soon is that we have published the White Paper, and we wanted to get your thoughts. It is a consultation that is going to run over the summer months, and we will get that feedback through. Whether there will be time, given the pressure, to do all these things and actually do formal pre-legislative scrutiny is—

Chair: You sound a bit like the Secretary of State did when he was here answering a question on agriculture.

David Simpson: You took the words out of my mouth. You are reading the same script that Michael Gove read to us when he was here previously.

George Eustice: If there was more time in the day—

Chair: In other words, it is a “no”, George, is it not? You may as well tell us the truth.



Q388 David Simpson: We have to read between the lines and interpret that ourselves. We are not going to get that.

George Eustice: There is a lot of pressure on time to get lots of pieces of legislation through. Much as I would like to be able to, I know the pressure of the parliamentary timetable to get everything in place ready to leave the European Union makes that more formal pre-legislative scrutiny difficult. I would obviously be delighted to come before the Committee myself many times between now and the Bill coming in.

Q389 David Simpson: Okay, it is the same message. Anyway, there is one other question I want to ask in relation to Northern Ireland and the Republic of Ireland. This is in relation to the Irish vessels coming into Northern Ireland waters. On 12 June, Minister, you told the industry that an agreement was vital and it had to be sorted. I understand the Secretary of State had written to Michael Creed in the south. We did not get feedback on that. Do you have any information on where we are? If there is no agreement, will the Government step in to stop Irish vessels fishing in Northern Ireland waters?

George Eustice: I have discussed it since with Michael Creed, as has the Secretary of State, and, yes, we also wrote. The position here is that this has been a longstanding agreement; it predates the EU. In fact, it is really a convention that dates back to Irish independence, when there was always an understanding that vessels from both north and south could fish in one another's waters. That was formalised in the 1960s through an exchange of letters. It was the Irish Supreme Court that cast doubt on the validity of that exchange of letters as a basis under their constitution for recognising it. That threw a spanner in the works about 18 months or two years ago.

Since then, the position of the Irish Government has been that they would bring forward legislation in order to put that right and to put on the statute the principles of the voisinage agreement. It will not have escaped your attention that, rather like us, the Irish Parliament at the moment is a finely balanced machine and the numbers are not particularly conclusive. That makes it difficult for them to see a way at the moment to bring the primary legislation through that would be necessary. We have been clear with them that we are committed to the principles of voisinage. Therefore, on that basis we have not done anything precipitous at this stage. But we have also been clear that, if it becomes apparent to us that the Irish Government are not intending to re-establish their side of the agreement, we would have to suspend our side of it as well.

Chair: I have a final question on pre-legislative scrutiny. I accept your position. I would take you up on your offer of allowing as much time as possible to come and talk to us about it. This also includes your officials, Anne, Neil and others. That will give us an opportunity to have quite good scrutiny, even if it is not formal pre-legislative scrutiny. We will probably still try to press for it and I suspect you will try to resist, but the



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compromise very much is co-operation. We thank you very much for that in anticipation of what it might be, and it is good to see you here today.

Q390 **Alan Brown:** I have a simple, open-ended question. What discussions have you had with your counterparts in Scotland and Wales? How are you dealing with the Northern Ireland issue in the absence of a functioning Assembly at the moment?

George Eustice: We have regular meetings with the devolved Administrations, so with Fergus Ewing and Lesley Griffiths. In the absence of an Administration in Northern Ireland, there is a lead official on fisheries called John Speers, whom I have worked closely with for five years. He has attended discussions on behalf of Northern Ireland where we have had discussions on future policy.

There have been very intensive discussions at official level over the past year in particular, in terms of doing all the preparation that was needed under the EU (Withdrawal) Act. All Administrations will have to bring forward quite a lot of statutory instruments through their own legislatures under the EU (Withdrawal) Act in order to ensure we have a functioning statute book on day 1. There is a huge amount of detailed working to do on all the different SIs. Regularly, roughly every month or two months, we have a meeting at ministerial level to discuss a range of issues, and that has included fisheries on the agenda on a number of occasions.

Q391 **Alan Brown:** Does that specifically include the fisheries Bill? The accusation was that there was not enough consultation in terms of the fisheries White Paper. Therefore, it is really important for the actual legislation that there is ongoing consultation. If I remember the statement, there was a suggestion that the Scottish Government can respond to the White Paper as part of that consultation, but actual dialogue and direct negotiation is much more preferable.

George Eustice: That is right. I do not think anything in the White Paper would have caused any surprises in terms of the principles of becoming an independent coastal state, managing and controlling access to our own EEZ and so forth. We have discussed this on numerous occasions.

I might just ask Anne to come in, because I have given her authority for sharing the draft clauses we have. It is at an early stage, but perhaps, Anne, you could explain what we have done so far in terms of those discussions.

Anne Freeman: Thank you, Minister. As the Minister said, we have shared all the statutory instruments that we are proposing where we are going to make operable the law that is coming over from the EU. We are working closely with the devolved Administrations to make sure we get a solution that works for everybody in a devolved context. In terms of the fisheries Bill, as the Minister says, we are seeking to share draft clauses with them soon. We have shared a few with them.

Q392 **Chair:** Could you share those clauses with us?



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Anne Freeman: There is a formal pre-legislative scrutiny process.

Chair: I am sure we can get round that one.

Anne Freeman: We are trying to work closely with the devolved Administrations and get to a more detailed level, to work out whether we should be legislating on their behalf, which aspects of the fisheries Bill should be UK level, which should be England only, where we can work together to find clauses that work for each Administration. We are trying to work there. We need to get some cross-Government agreement to share further clauses with them.

Q393 **Alan Brown:** What will happen if there is a stand-off, as has happened elsewhere, such as on the LCM and the main withdrawal Bill? You are going to really work hard to make changes to avoid such an outcome.

George Eustice: We are going to work very hard to get agreement from the devolveds on the approach here. Interestingly, although the Scottish Government have a position of staying in the European Union and therefore, by consequence, staying in the common fisheries policy, there is a recognition that, whatever one's view about the European Union, leaving the CFP is incontrovertibly the right thing commercially for the Scottish fishing industry. Of all the areas of EU policy where the Scottish Government might be a little apprehensive about leaving the EU, fisheries is the one where I believe even they can see some of the opportunities. So it is possible to get every part of the UK embracing the type of policy we are describing here. It is an opportunity for all of us to regain control of the way we manage our fisheries and have a fairer opportunity to access those fishing opportunities in our waters.

Q394 **Alan Brown:** Yes, but it has to be through consultation and working together, rather than the imposition of any UK-wide approach.

George Eustice: Yes. In terms of the UK frameworks on fisheries, there are two guiding principles for the areas we think should still be UK-reserved. First, if there is some kind of international negotiation at play, that is obviously a reserved policy. Fisheries has a lot of such international agreements. The second area is where we have to protect in some way the integrity of the internal UK market. Those are the two guiding principles.

When it comes to fisheries, we have quite well established conventions and procedures across the UK to take a UK delegation. Even now, at the December Council, I will lead the UK delegation, but when we attend the trilateral with the Commission and the presidency I have representatives from every part in the UK in the room, and they will speak to issues that are of particular concern to them. I very much see it being the same on future negotiations. There will be a UK delegation, as now, and that means Scotland will be a key part in that negotiating delegation.

There will probably be a need for some kind of framework when it comes to things like quotas, quotas allocations, quotas management, access



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management and so forth—certain elements that at the moment are in EU law but would require a UK framework. We will be working through those issues.

Q395 Chair: On this issue, naturally they will be UK waters. Therefore, will there be a sharing up between the nations of the United Kingdom or are they going to be dealt with in the round? How are you going to deal with UK waters? Am I stirring up a hornet's nest there and getting Alan going?

George Eustice: When it comes to international negotiations, we are quite clear that it would be a UK-reserved matter, but to ensure that we were reflecting every part of the UK we would take a UK delegation with us. It is UK-reserved; if there was a dispute the UK Minister would have to resolve that internal dispute to ensure we had a coherent outward-facing position. That is the situation now.

Q396 Chair: If there were a dispute between Cornish fishermen and Scottish fishermen—because they come down and steal our fish every now and again—you would be the arbiter of that, would you?

George Eustice: We sometimes have these issues now in December Council, where parts of the fleet have an interest, for instance, in Arctic cod, which would tend to be the English fleet. The Scottish fleet has more of an interest in retaining some of the blue whiting, so it is less favourable to that deal. We try to strike the right balance, to be fair to everyone, as you would expect us to do.

Q397 Alan Brown: On treaty negotiations and particularly quota negotiations, you are saying it is a UK-reserved matter, but the Scottish Government, for example, would be part of the delegation. Going forward, how do you make sure the Scottish Government, as part of that delegation, have meaningful input into the final negotiations? It is fine to be part of a delegation but, if you are not part of the real one-to-one negotiation, all you are is part of the delegation. How do things get improved to the satisfaction of the developed Governments?

George Eustice: The model we have is a great success. Indeed, as other parts of Government are starting to think about approaches and how we reach a consensus as a UK with different devolved Administrations, they are quite interested in the model we followed on fisheries. If you were to talk to most Ministers, one thing they could not deny is that we always go in to bat for them very strongly on the issues that matter to them at December Council. We work very, very closely with them. If there is a feature of a negotiation in which they would have a lead interest, we will tend to draw on their technical expertise in order to inform our position.

Q398 Alan Brown: Will you look to strengthen that further, through a memorandum of understanding or anything, to absolutely clarify their input?

George Eustice: Yes. I am not sure whether it is a broad one or a fisheries-specific one, but this convention has operated since around



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2007 or 2008. I have seen the concordat that it is formalised in, but it is a process for working jointly on international negotiations.

Q399 Mrs Murray: First of all, Minister, I can remember when, as far back as about 15 years ago, the former leader of the Scottish National Party was a Member in this place and he brought forward a Bill calling for withdrawal from the common fisheries policy. As far as fisheries are concerned, we are speaking on the same hymn sheet as the Scottish nationalists.

Can we turn to the Chequers deal and your White Paper? The White Paper clearly looks to consult. It asks a number of questions and sets 12 September as the deadline for people to respond to it. As I am sure you can imagine, I was quite surprised, along with a lot of colleagues and fishermen, to find that the Chequers deal, the White Paper there, has already included parts of the White Paper you are consulting on. How are you going to square the circle if you are persuaded to amend your White Paper from the wording that is already published in the Chequers deal, which we have been told is not amendable? How are we going to change that?

George Eustice: Perhaps you could be more specific.

Q400 Mrs Murray: I have them both here. They are exactly the same.

George Eustice: Yes, they are the same. Good, it is consistent government.

Q401 Mrs Murray: But this could be changed. You have a series of questions in your White Paper. If you get responses to it, you might decide that, based on what the people you are consulting with have said, you would like to change this. If you decide to change the wording in your White Paper or the fisheries Bill away from what is published in the Chequers statement, will the fisheries section in the Chequers statement be amended? Is that down to you or will it have to go through Cabinet again to get the approval of the whole of the Cabinet?

George Eustice: Ultimately, everything will have to go through Cabinet and through Parliament. That is the final backstop, if you will excuse the term.

Q402 Mrs Murray: It just seems to be a little conflicting. One week we get a White Paper coming out for consultation, and we are given until 12 September; the next week, we get another White Paper coming out—

George Eustice: And it says the same thing.

Mrs Murray: It says exactly the same thing.

George Eustice: I would be more worried if it were different. I am going to be very blunt. I would be more worried if we had published a fisheries White Paper that said one thing and a week later everything was changed.



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Mrs Murray: I completely agree, but there are things missing. There are reassurances missing that the fishermen—

Chair: Sheryll, you have to give the Minister quite a bit of credit for the fact that it is in the Chequers agreement. Let us be fair to the Minister.

George Eustice: Perhaps I might clarify this.

Mrs Murray: Okay, but I would like to move on.

George Eustice: Let me just explain it. The fisheries White Paper is detailed, because it is a White Paper, not a Green Paper. It is a fully worked-up set of proposals about how we intend to run fisheries, but it is also the start of a consultation. Of course, yes, we will listen to representations, as you always would on any White Paper. The White Paper on the future economic partnership is covering the entire relationship. Yes, it has a summary of what is in our fisheries White Paper, but it does not have every intricate detail of the fisheries White Paper because, necessarily, it is covering a much broader front of the entire future economic partnership. That is why it does not include every element of the fisheries White Paper, but it includes an entirely consistent summary of our White Paper.

Q403 **Mrs Murray:** I accept that. Thank you very much. It is nice and reassuring to know that maybe we can see a more detailed reassurance for our fishing industry, and particularly our catching sector, appearing in the fisheries Bill when it comes through. Some reassuring words from you or the Secretary of State would be very welcome.

Can I move on? You must have been talking with the European Union about separating fisheries policy from other strands of our relationship with the EU, and making sure we are not using our fishing opportunities as a currency to buy access to the market, for fish or other areas. What has their response been so far?

George Eustice: You will be aware that the EU has said only one thing on fisheries so far. There have not been detailed discussions on fisheries to date. They have made a very simple statement: that they would like to link a trade deal with access to fishing. That is a position we disagree with, and we have been absolutely explicit that we disagree with it in the White Paper.

Q404 **Mrs Murray:** You will not sign up to any deal that includes their demands.

George Eustice: This is a White Paper that sets out an agreed Government position. The White Paper on the future economic partnership sets out an agreed Government position. As the Prime Minister explained at the weekend, yes, of course there are further discussions. But, in the final analysis, we all recognise that Cabinet will not agree anything that it is not confident it will get through Parliament. We will all have a role to play in deciding what is acceptable and not acceptable.



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Mrs Murray: That is reassuring, Minister. Thank you very much.

Q405 **Chair:** The White Paper commits to moving away from relative stability when determining fishing opportunities. Will this mean that UK-based fishers will be able to catch more fish than at present and how do you see this system being managed?

George Eustice: Annexe C sets out the position: the number of fish in our waters, based on a zonal attachment methodology, and then the allocation we have on a range of species under the relative stability shares, based on a reference period in the 1970s. On that, put simply, EU vessels have access to our waters to catch around 700,000 tonnes of fish and we, in return, catch about 90,000 tonnes of fish on average each year from EU waters. At the moment, the equation is very unbalanced. Yes, we are clear that we want to redress that. We do not get a fair enough share.

Q406 **Chair:** It was not six times the amount of fish; it was actually eight times the amount of fish, then. Nine eights are 72.

George Eustice: It is roughly that. It is a significant difference. There are parts of the fleet, particularly in the south-west on things such as the gadoids, haddock and cod, and on plaice in the channel, where the discrepancy is quite marked.

Q407 **Chair:** I know you will ask, "How long is a piece of string?" but, in your judgment, how long is it going to take? We take back control of our waters; we have to deal with relative stability. How quickly will we be able to take back that resource in practical terms, by actually catching the fish?

George Eustice: We are working on that now. Each year in an fisheries negotiation, you have something called the annual exchanges. It is a common feature of those negotiations to exchange access to your waters to catch a proportion of an allocation in return for an inward transfer of quota to your fleet. At the moment, we are looking at what methodology we should use for getting those inwards transfers so we see year-on-year gains for our fleet. It may move faster on some species than on others, but we are doing the work on that at the moment. There are some species where we would have quite an interest in an increased stock that are not so important to the countries that currently hold it. Those would include stocks like nephrops. There are others where we do not currently target species, but they are quite important to other countries. In that, I would include sand eels with Denmark, for instance.

Mrs Murray: That is continuing the CFP.

Chair: I have stimulated Sheryll into a question here, Minister.

Q408 **Mrs Murray:** It is. That is a continuation of the common fisheries policy. You are talking about annual exchanges that take place between member states under the common fisheries policy regime. After either 29 March 2019 or 31 December 2020, the UK will have complete control over its



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200-mile/median-line limit. Minister, why are you so determined to stick to the CFP management regime, be it relative stability or annual exchanges? You have actually said that there are some species that are not important to other countries that member states exchange. They will be our fish.

Can I please implore you to forget the European Union's completely foolish policy and its management system, to understand that we will be governed by the United Nations Convention on the Law of the Sea, articles 61, 62 and 63, and to start working from there, and not from this completely foolish policy that has decimated the British fishing industry?

George Eustice: Can I just clarify something? Annual exchange is not an EU process. Annual exchanges are a common feature of international fishing—

Q409 **Mrs Murray:** With whom do we have annual exchanges at the moment? With whom does the EU have annual exchanges that benefit British fishermen?

George Eustice: I will give you two examples. There is an annual exchange done between the EU and the Faroes each year. We typically grant the Faroese access into UK waters, or EU waters, as far as the EU is concerned. In exchange, they transfer some fishing opportunities to the EU fleet. That is not necessarily of benefit to the UK, so we would not do that kind of deal. But that is nevertheless an annual exchange. There is also an annual exchange where we give Norway blue whiting and in exchange we get access to arctic cod. Annual exchanges are nothing to do with the EU, although they may take place between EU member states at times. I used "annual exchanges" in the context of one independent coastal state to another independent coastal state.

Q410 **Mrs Murray:** What happens to the fish that EU vessels catch, which is nine times more than UK vessels catch, once we have left the EU or are at the end of the implementation period? What happens to the distribution of that? You have still mentioned relative stability.

George Eustice: What I have said is "zonal attachment". The EU, for reasons I can understand if I look at the shares it has, will probably say that we should stick to some sort of historic relative stability share. They have been explicit about that. We are equally explicit that this is unacceptable and we want to move to a zonal attachment methodology.

Q411 **Mrs Murray:** We could say, "We are going to do the same as Iceland did, and then you come and negotiate with us but on our terms".

George Eustice: We could. We could do it in a way that ends in less strife along the way. That is what I would like to do. But, yes, as I said earlier, we will have control of access to our exclusive economic zone.

Chair: We are going to send Sheryll with a gunboat to make sure it is properly implemented.



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Mrs Murray: We did that for two years and then we caved in, unfortunately.

Q412 **Chair:** The White Paper commits Defra to considering methodologies other than quota to establish fishing opportunity. Is this fishing effort or days at sea? Where do you see this going?

George Eustice: We are clear that we would pilot it, because in fishing you always have to be careful of unintended consequences. We had some representations on this from a number of organisations; there are lots of differing views. Broadly speaking, a quota regime works best where you have a single species with large quotas and large vessels targeting it—so the pelagics, mackerel and herring. It works least well where you have an artisanal in-shore mixed fishery, because you are literally in some cases sending small, under-10 vessels out with 20 kilos of cod for a month. Once they have exhausted that, they end up having to discard fish.

We are interested in some of the smaller, lower-impact in-shore fleet. We could experiment with a model, a hybrid model perhaps, that relies predominantly on effort—an effort regime—to control the amount of fishing activity that takes place, still record landings but basically manage towards a pool quota nationally rather than at an individual-vessel level, when you have such small vessels.

Q413 **Chair:** Especially if you went with fishing effort, you would also have to make sure there were no discards. If you were going to go into a fishing effort situation, you would have to be absolutely certain you were monitoring what was being caught. The trouble is that you would be moving away from the quota of the species, would you not? If you go to fishing effort, how are you going to control overfishing of particular species, especially if they are targeted?

George Eustice: At the moment, arguably, if you have lots of quotas and they are individually quite small, you have a problem of regulatory discards because people run out of quota.

Q414 **Chair:** That is right, yes, which is wrong.

George Eustice: You come across fishermen who are targeting, say, plaice, but they end up hitting a shoal of ling, and they have exhausted their ling quota for the entire month in one trawl. Therefore, moving to an effort-based regime has a lot going for it, but there are also complexities. You would have to have some way of ensuring people did not aggressively target the more vulnerable but more valuable species. You may have to look at rules around catch composition, which we are generally moving away from. If you wanted to go back to something like an effort-based regime, you might need to look at that.

Q415 **Chair:** Not to put words in your mouth, at the moment you think the quota situation will alter over time but will remain in place for a while. Then you are thinking about targeting, if you do, effort on some of the smaller boats and on the six and 12-mile limits. Is that how you see it?



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George Eustice: Yes, absolutely. We would pilot it first. There was a pilot run in Ramsgate about five years ago. Richard Benyon, my predecessor, says that we should be cautious of this, because it was not that successful, in that there was overfishing. We would have to design it properly, but we are interested to see whether we could pilot this. If it were to be deployed, you would deploy it first in the in-shore pool.

Chair: The Division Bell has gone, Minister. Are you able to come back? We would like you to, if you can.

George Eustice: Yes, I think so.

Chair: It depends on how many votes we get, I suppose.

George Eustice: If it is one or two, I can come back for another quarter of an hour.

Chair: I would like to reconvene, if we can. I have a feeling it will be at least two. Hopefully we can reconvene just before 4.00.

George Eustice: I have to leave by 4.15 at the latest.

Chair: We will make a judgment. If the votes go on longer, we will have to see if we can arrange a further meeting, especially if we get called back next week. Like I said, thank you very much for today. Hopefully, we will get back for some further talks. Thank you very much.

This evidence session was suspended at 3.54pm. The continuation to the session was held on 5 September 2018, and the transcript is available [here](#).